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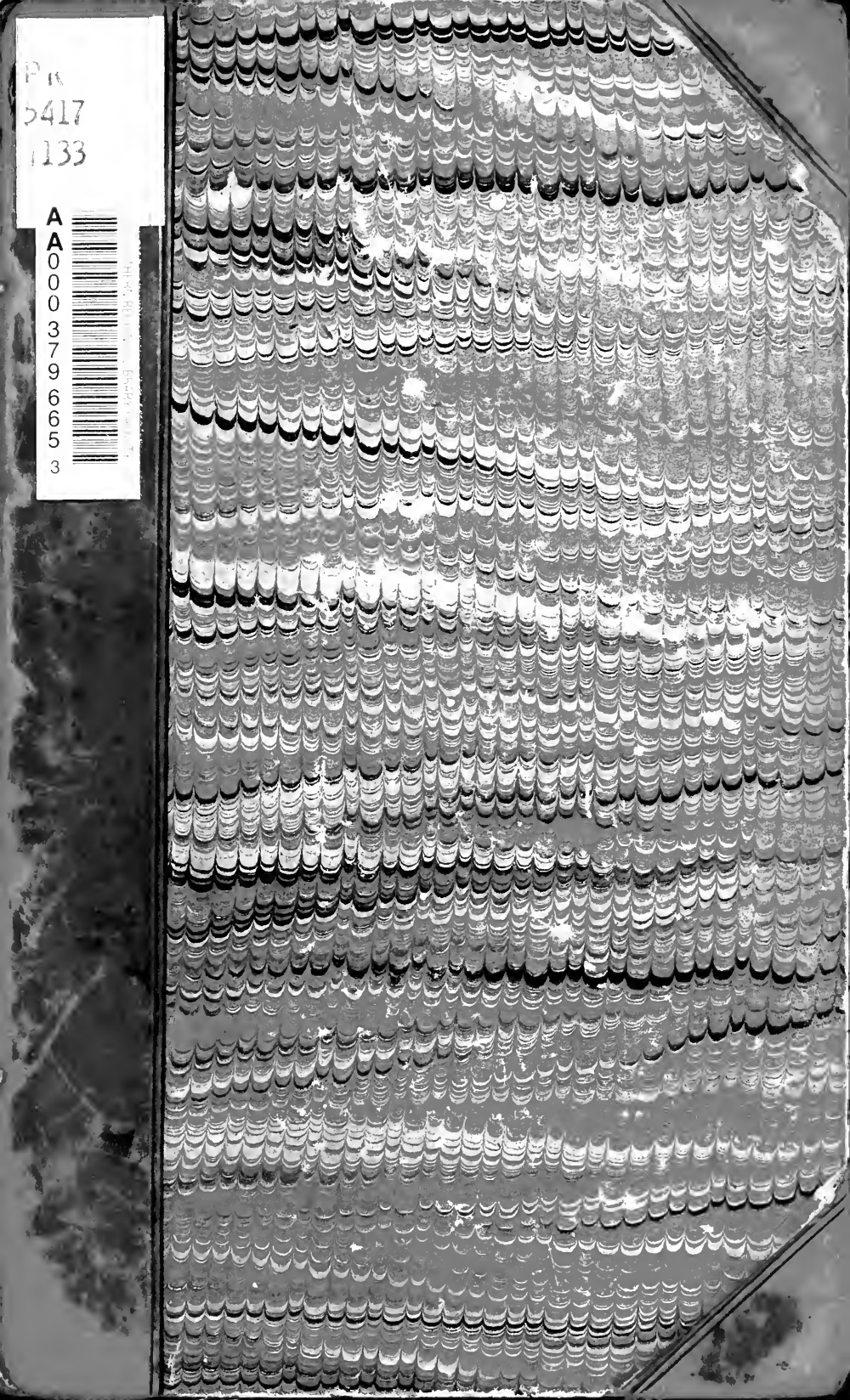

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SPEECH

FOR THE DEFENDANT,

IN THE PROSECUTION OF

THE QUEEN *v.* MOXON,

FOR THE PUBLICATION OF

SHELLEY'S WORKS.

Delivered in the Court of Queen's Bench, June 23. 1841.

AND REVISED

BY T. N. TALFOURD,

SERGEANT AT LAW.

LONDON:
EDWARD MOXON, DOVER STREET.
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PREFACE.

In consenting to revise and publish the following Speech, I trust the circumstances attendant on the trial in which it was delivered will be found to justify an exception to the usual abstinence of Counsel from interfering with the publication of speeches delivered at the bar. The peculiarity of the occasion—the prosecution of an eminent publisher of unblemished character at the instance of a person who had been himself convicted of blasphemous libel, on a similar charge—and the nature of the question which that prosecution involved, between Literature and the Law of Libel—may render the attempt of the defendant's advocate, to defeat the former and to solve the latter, worthy of more consideration than it could command either by its power or its success. Observing that the case has been unavoidably deprived, by the urgency of political topics and electioneering details, of the notice it would have received from

the press at a calmer season; and being anxious that the references necessarily made to matters of solemn interest and of delicate relation should not be subject to the misconception attendant on any imperfect reports, I have thought it right to take on myself the responsibility of presenting to the public, as correctly as I can, the substance of that which I addressed to the jury. The necessary brevity of the reports of the trial, which has partly induced this publication of the speech for the defendant, also renders it proper to give a short account of the circumstances which preceded it.

In the month of April 1840, an indictment was preferred against Mr. Henry Hetherington, a bookseller in the Strand, at the instance of the Attorney-General, for selling certain numbers of a work entitled "Haslam's Letters to the Clergy of all Denominations," sold each at the price of *one penny*, and charging them as libels on the Old Testament. The cause came on to be tried before Lord Denman in the Court of Queen's Bench on 8th December, 1840, when the defence was conducted, with great propriety and talent, by the defendant

himself, who rested it mainly on a claim of unqualified right to publish all matters of opinion, and on the argument, that the work charged as blasphemous came fairly within the operation of that principle. Mr. Hetherington was, however, convicted, and ultimately received judgment, under which he underwent an imprisonment of four months in the Queen's Bench prison.

While this prosecution was pending, Mr. Hetherington appears to have adopted the design of becoming in his turn the Prosecutor of several booksellers for the sale of the complete edition of Shelley's Works, which had been recently issued by Mr. Moxon in a form similar to that in which he had published the collected works of the greatest English poets. He accordingly commissioned a person named Holt, then a compositor in his employ, to apply for the work at the shops of several persons eminent in the trade, and thus succeeded in obtaining copies of Mr. Moxon, of Mr. Fraser, and of Mr. Otley, or rather of the persons in their employ. On the sales thus obtained, indictments were preferred at the Central Criminal Court against the several vendors,

which, with a similar indictment against Mr. Marshall, doubtless preferred by the same Prosecutor, were removed by *certiorari* at the instance of the defendants, and set down for trial by special juries. Mr. Moxon felt that, as the original publisher of the edition, he ought to bear the first attack; and therefore, although some advantage might have been gained by placing the case of a mere vendor before his own, he declined to use it, and entered his own cause the first of the series which were to be tried in Middlesex. These causes were called on for trial at the sittings after Hilary term; but the prosecutor was not prepared with the Attorney-General's warrant to pray a *tales* to supply the default of the special jury, and as the counsel for the defendant did not think it right to expedite his proceedings by doing so themselves, the cause went over, and ultimately came on for trial on Wednesday 23d June, when nine special jurymen appeared, and the panel was completed by a *tales* prayed for the prosecution.

The indictment against Mr. Moxon, which the others exactly resembled, charged that he, "being an evil-disposed and wicked person, disregarding

the laws and religion of this realm, and wickedly and profanely devising and intending to bring the Holy Scriptures and the Christian religion into disbelief and contempt, unlawfully and wickedly, did falsely and maliciously publish a scandalous, impious, profane, and malicious libel of and concerning the Christian religion, and of and concerning the Holy Scriptures, and of and concerning Almighty God," in which were contained certain passages charged as blasphemous and profane. It then set forth a passage in blank verse, beginning, "*They have three words: well tyrants know their use, well pay them for the loan, with usury torn from a bleeding world!—God, Hell, and Heaven;*" and after adding an innuendo, "*meaning thereby that God, Hell, and Heaven, were merely words,*" proceeded to recite a few more lines, applying very coarse and irreverent, but not very intelligible comments to each of those words. It then charged, that the libel contained, in other parts, two other passages, also in verse, and to which the same character may be justly applied*. It lastly set forth

* It has not been thought necessary to the argument to set out these passages; as it proceeds on the admission, that, separately considered, they are very offensive both to piety and good taste.

a passage of prose from the notes, the object of which seems to be to assert, that the belief in the plurality of worlds is inconsistent with "religious systems," and with "deifying the principle of the universe;" and which, after speaking in very disrespectful terms of the statements of Christian history as "irreconcilable with the knowledge of the stars," concludes with the strange inconsistency pointed out by Lord Denman in his charge (if the author's intention was to deny the being of God), "The work of *His* fingers have borne witness against them."

The case for the prosecution was opened by Mr. Thomas with a judicious abstinence from any remark on the motives or object of the Prosecutor, and without informing the jury who the Prosecutor was. He stated several cases and dicta to establish the general proposition, that a work tending to bring religion into contempt and odium is an offence against the common law, and, among others, that of Mr. Hetherington; read, besides the indicted passages, several others of a similar character, all selected from the poem of "Queen Mab;" eloquently eulogised the genius of Shelley,

and fairly admitted the respectability of the defendant; and concluded by expressing the satisfaction he should feel if the result of this trial should establish, that no publications on religion should be subject to prosecution in future. He then called Thomas Holt, who proved the purchase of the volume for twelve shillings at Mr. Moxon's shop; and who also proved, on cross-examination, that he made the purchase and others at the desire of Mr. Hetherington, whom he understood to be the Prosecutor in this and the succeeding causes.

The success of such a prosecution proceeding from such a quarter, gives rise to very serious considerations; for although, in determining sentences, Judges will be able to diminish the evil, by a just discrimination between the publication of the complete works of an author of established fame, for the use of the studious, and for deposit in libraries, and the dissemination of cheap irreligion, directed to no object but to unsettle the belief of the reader—the power of prosecuting to conviction every one who may sell, or give, or lend any work containing passages to which the indictable character may be applied, is a fearful engine

of oppression. Should such prosecutions be multiplied, and juries should not feel justified in adopting some principle of distinction like that for which I have feebly endeavoured to contend, they must lead to some alteration in the law, or to some restriction of the right to set it in action. It will, I think, be matter of regret among many who desire to respect the Law, and to see it wisely applied, that the question should have arisen; but since it has been so painfully raised, it is difficult to avoid it; and if the following address should present any materials for its elucidation, it will not, although unsuccessful in its immediate object, have been delivered entirely in vain.

T. N. T.

Sergeants' Inn,
28*th June*, 1841.

SPEECH.

May it please your Lordship,
Gentlemen of the Jury,

It has sometimes been my lot to express, and much oftener to feel, a degree of anxiety in addressing juries, which has painfully diminished the little power which I can ever command in representing the interests committed to my charge; but never has that feeling been so excited, and so justified, by any occasion as that on which it is my duty to address you. I am called from the Court in which I usually practise, to defend from the odious charge of blasphemy one with whom I have been acquainted for many years—one whom I have always believed incapable of wilful offence towards God or towards man—one who was introduced to me in early and happy days, by the dearest of my friends who are gone before me—by Charles Lamb—to whom the wife of the defendant was as an adopted daughter; and who, dying, committed the interests which he left her in

the products of his life of kindness to my charge. Would to God that the spirit which pervaded his being could decide the fate of this strange prosecution—I should only have to pronounce his name and to receive your verdict!

Apart from these personal considerations, there is something in the nature of the charge itself, however unjustly applied to the party accused, which must depress a Christian advocate addressing a Christian jury. On all other cases of accusation, he would implore the jurors sworn to decide between the accuser and the defendant, to lay aside every prepossession—to forget every rumour—to strip themselves of every prejudice—to suppress every affection, which could prevent the exercise of a free and unclouded judgment; and, having made this appeal, or having forborne to make it as needless, he would regard the jury-box as a sacred spot, raised above all encircling influences, to which he might address the arguments of justice and mercy with the assurance of obtaining a decision only divested of the certainty of unerring truth by the imperfection of human evidence and of human reason. But in this case you cannot grant—I cannot ask—the cold impartiality which on all other charges may be sought and expected from English juries. Sworn on the Gospel to try a charge of wickedly and profanely attempting to bring that

Gospel, and the holy Religion which it reveals, into disbelief and contempt, you are reminded even by that oath—if it were possible you could ever forget —of the deep, the solemn, the imperishable interest you have in those sacred things which the defendant is charged with assailing. The feelings which such a charge awakens are not like those political differences which it is delightful sometimes to forget or to trample on;—or those local partialities which it is ennobling to forsake for a wider sphere of contemplation—or those hasty opinions which the daily press, in its vivid course, has scattered over our thoughts, and which we are proud sometimes to bring to the test of dispassionate reflection;—or those worldly interests which, if they sway the honourable mind at all, incline it to take part against them;—but the emotions which this charge enkindles are intertwined with all that endears the Past and peoples the Future—with all that renders this life noble by enriching it with the hope of that which is to come. If the passages which have been read to you—torn asunder from the connexion in which they stand—regarded without reference to the time, the object, the mode of their publication,—should array you at this moment almost as plaintiffs, personally wronged and insulted against their publisher, I must not complain; for I shall not be provoked, even by the peculiarity of

this charge, to defend Mr. Moxon by a suggestion which can violate the associations which are intertwined with all that is dear to you. He would rather submit to the utmost consequences which the selfish recklessness of this prosecution could entail, if you should sanction and the Court hereafter should support its aim; he would rather be severed from the family whom he cherishes, and from the society of the good and the great in our Literature, which he is privileged to share; than he would obtain immunity by a recourse to those weapons which the Prosecutor would fain present to his choice. Neither will I, notwithstanding the anticipation of my learned friend, ask you to palter with your consciences, and because you may doubt or deny the policy of the law which is thus set in action, invite you to do other than administer justice according to your oath and your duty. I take my stand on Christian ground; I base my defence on the recognised Law; and if I do not show you that the Christianity which the Prosecutor most needlessly presumes to vindicate, and the Law which with unhallowed hands he is striving to pervert, justify your verdict of acquittal, I am content that you should become the instruments of his attempt to retort the penalties of his own sentence on one who never wronged him even in thought—that you should aid him to render the Law under

which he has suffered, odious by sanctioning the odious application which he contemplates; and that at his bidding you should scatter through the loftiest and serenest paths of Literature, distress, and doubt, and dismay, awarding him that success which "if not victory is yet revenge."

The charge which Mr. Moxon is called upon to answer is, that with a wicked intention to bring the Holy Scriptures and the Christian religion into contempt, he published the volume which is in evidence before you, and which is characterised as a libel on that religion, on the Scriptures, and on Almighty God. I speak advisedly when I say *the whole volume is thus indicted;* it must be so considered in point of justice—it is so charged in point of form. The indictment, indeed, sets forth four passages, torn violently asunder from their context; yet it does not charge them as separate libels, but as portions of one "impious, blasphemous, profane, and malicious libel," in different parts of which the selected parts are found. Now these are not all to be found even in one poem, for the first three being in poetry, the last is taken from a mass of prose appended to the first poem of "Queen Mab," and intervening between it and a poem entitled "Alastor," which is the next in the series. And if this were not the form of the record, can it be doubted that, in point of justice, the scope,

the object, the tendency of the entire publication, must be determined before you can decide on the guilt or innocence of the party who has thus published the passages charged as blasphemous? Supposing some question of law should be raised on the sufficiency of the indictment in which they are inserted, and they should be copied necessarily for the elucidation of the argument in one of the reports in which the decisions of this Court are perpetuated; would the reporter, the law-bookseller, the officer of the Court, who should hand the volume to a barrister, be guilty of blasphemy? Or if they should appear in some correct report, partaking of a more popular form, and that report should be indicted as containing them, what form would the question of the guilt or innocence of the publisher assume? Would it not be, whether he had been honestly anxious to lay before the world the history of an unexampled attempt to degrade and destroy the law, under pretence of asserting it; or whether he was studious to disseminate some fragments of strange and fearful audacity, and had professed to report an extraordinary trial, only as a pretext to cover the popular dissemination of blasphemy? And would not the form, the commentary, the occasion, the price, all be material in deciding whether the work were laudable or guilty—whether, as a whole, it tended to good or to evil? These pas-

sages, like details and pictures in works of anatomy and surgery, are either innocent or criminal, according to the accompaniments which surround them, and the class to whom they are addressed. If really intended for the eye of the scientific student, they are most innocent; but if so published as to manifest another intention, they will not be protected from legal censure by the flimsy guise of science. By a similar test let this publication be judged! If its whole tenor lead you to believe that the dissemination of irreligious feelings was its object—nay, that such will be its natural consequence—let Mr. Hetherington have his triumph; but if you believe that these words, however offensive when abstractedly taken, form part of a great intellectual and moral phenomenon, which may be disclosed to the class of readers who alone will purchase the volume, not only without injury, but to their instruction, you will joyfully find Mr. Moxon as free from blasphemy in contemplation of the strictest law, as I know he is in purpose and in spirit.

The passages selected as specimens of the indicted libel are found in a complete edition of the works of Percy Bysshe Shelley—a work comprising more than twenty thousand lines of verse, and occupy something less than the three-hundredth part of the volume which contains them. The book presents the entire intellectual history—true and faithful,

because traced in the series of those works which were its events—of one of the most extraordinary persons ever gifted and doomed to illustrate the nobleness, the grandeur, the imperfections, and the progress of human genius—whom it pleased God to take from this world while the process harmonising his stupendous powers was yet incomplete, but not before it had indicated its beneficent workings. It is edited by his widow, a lady endowed with great and original talent, who, as she states in her preface, hastens "to fulfil an important duty, that of giving the productions of a sublime genius to the world, with all the correctness possible, and of, at the same time, detailing the history of these productions as they sprang, warm and living from his heart and brain." And, accordingly, the poems are all connected together by statements as to the circumstances under which they were written, and the feelings which inspired them. The "alterations (says Mrs. Shelley) his opinions underwent ought to be recorded, for they form his history."

The first of these works is a poem, written at the age of eighteen, entitled "Queen Mab;" a composition marked with nothing to attract the casual reader—irregular in versification, wild, disjointed, visionary; often difficult to be understood even by a painful student of poetry, and sometimes wholly unintelligible even to him; but containing as much to wonder

at, to ponder on, to weep over, as any half-formed work of genius which ever emanated from the vigour and the rashness of youth. This poem, which I shall bring before you presently, is followed by the marvellous series of works of which "Alastor," "The Revolt of Islam," the "Prometheus Unbound," and "The Cenci" form the principal, exhibiting a continuous triumph of mellowing and consecrating influences, down to the moment when sudden death shrouded the Poet's career from the observation of mortals. Now the question is, whether it is blasphemy to present to the world—say rather to the calm, the laborious, the patient searcher after wisdom and beauty, who alone will peruse this volume—the awful mistakes, the mighty struggles, the strange depressions, and the imperfect victories of such a spirit, because the picture has some passages of frightful gloom. I am far from contending that everything which genius has in rashness or in wantonness produced, becomes, when once committed to the press, the inalienable property of mankind. Such a principle, indeed, seems to be involved in an argument which was recently sanctioned by the authority of a Cabinet Minister more distinguished even as a profound thinker and an eloquent and accomplished critic, than by political station. When I last urged the claim of the descendants of men of genius to be the guardians of

their fame, as well as the recipients of its attendant rewards, I was met with denial on the plea that, from some fastidiousness of taste, or some over-niceness of moral apprehension, the hereditary representatives of a great writer may cover his works with artificial oblivion. I have asked, whether, if a poet has written "some line which, dying, he may wish to blot," he shall not be allowed by the insatiate public to blot it dying; and I have asked in vain! Fielding and Richardson have been quoted, as writers whose works, multiplying as they will through all time the sources of innocent enjoyment, might have been suppressed by some too dainty moralist. Now admitting that the tendency of Fielding's works, taken as a whole, is as invigorating as it is delightful, I fear there are chapters which if taken from their connexion—apart from the healthful atmosphere in which their impurities evaporate and die—and printed at some penny cost for dissemination among the young, would justly incur the censure of that Law which has too long withheld its visitations from those who have sought a detestable profit by spreading cheap corruption through the land. It may be true, as Dr. Johnson ruled, that Richardson "had taught the passions to move at the command of virtue;" and, as was recently asserted, that Mrs. Hannah More "first learned from his writings those principles of piety by which her life was guided;" but (to

leave out of consideration the Adventures of Pamela, which must sometimes have put Mrs. Hannah More to the blush) I fear that selections might be made, even from the greatest of all prose romances, Clarissa Harlowe, which the Society for the Suppression of Vice would scarcely endure. Do I wish them therefore suppressed? No! Because in these massive volumes the antidote is found with the bane; because the effect of Lovelace's daring pleas for vice, and of pictures yet more vicious, is neutralised by the scenes of passion and suffering which surround them; because the unsullied image of heroic purity and beautiful endurance rises fairer from amidst the encircling pollutions, and conquers every feeling but those of admiration and pity. Yet if detached scenes were, like these passages of Shelley, selected for the prosecution, how could they be defended—but, like them, by reference to the spirit, and intent, and tendency of the entire work from which they were torn? And yet the defence would be less conclusive than that which I now offer; as descriptions which appeal to passion are far less capable of correction by accompanying moralities, than the cold speculations of a wild infidelity by the considerations which the history of their author's mind supplies. In the wise and just dispensations of Providence great powers are often found associated with weakness or with

sorrow; but when these are not blended with the intellectual greatness they countervail, but merely affect the personal fortunes of their possessors—as when a sanguine temperament leads into vicious excesses—there is no more propriety in unveiling the truth, because it *is* truth, than in exhibiting the details of some physical disease. But when the greatness of the poet's intellect contains within itself the elements of tumult and disorder—when the appreciation of the genius, in all its divine relations and all its human lapses, depends on a view of the entire picture, must it be withheld? It is not a sinful Elysium, full of lascivious blandishments, but a heaving chaos of mighty elements, that the publisher of the early productions of Shelley unveils. In such a case, the more awful the alienation, the more pregnant with good will be the lesson. Shall this life, fevered with beauty, restless with inspiration, be hidden; or, wanting its first blind but gigantic efforts, be falsely, because partially revealed? If to trace back the stream of genius, from its greatest and most lucid earthly breadth to its remotest fountain, is one of the most interesting and instructive objects of philosophic research, shall we—when we have followed that of Shelley through its majestic windings, beneath the solemn glooms of "The Cenci," through the glory-tinged expanses of "The Revolt of Islam,"

amidst the dream-like haziness of the "Prometheus"—be forbidden to ascend with painful steps its narrowing course to its furthest spring, because black rocks may encircle the spot whence it rushes into day, and demon shapes—frightful but powerless for harm—may gleam and frown on us beside it?

Having thus endeavoured to present to you the foundation of my defence—that the volume in which these passages appear is in its substance historical, and that, so far from being adopted by the compiler, they are presented as necessary to historical truth,—I will consider the passages themselves, and the poem in which they appear, with a view to inquire whether they are of a nature capable of being fairly regarded as innoxious in their connexion with Shelley's life. Admitting, as I do, that if published with an aim to commend them to the reader as the breathings or suggestions of truth—nay, that if recklessly published in such a manner as to present them to the reader for approval, they deserve all the indignation which can be lavished on them; I cannot think, even then, they would have power to injure. They appeal to no passion—they pervert no affection—they find nothing in human nature, frail as it always is, guilty as it sometimes becomes—to work on. Contemplated apart from the intellectual history of the extraordinary being who produced them, and

from which they can never be severed by any reader of this book, they would excite no feelings but those of wonder at their audacity, and pity for their weakness. Not only are they incapable of awakening any chords of evil in the soul, but they are ineffectual even to present to it an intelligible heresy. "We understand a fury in the words—but not the words." What do they import? Is it atheism?—or is it mad defiance of a God by one who believes and hates, yet does not tremble? To the first passage, commencing, "*They have three words,*"—"*God, Hell, and Heaven!*"—the prosecutor does not venture to affix any meaning at all, but tears them from their context, and alleges that they are part of a libel on the Holy Scriptures, though there is no reference in them to the Bible, or to any Scripture doctrine; nor does the indictment supply any definite meaning or reference to explain or to answer. To the second paragraph—

> Is there a God!—ay, an Almighty God,
> And vengeful as almighty! Once his voice
> Was heard on earth: earth shudder'd at the sound;
> The fiery-visaged firmament express'd
> Abhorrence, and the grave of nature yawn'd
> To swallow all the dauntless and the good
> That dared to hurl defiance at his throne,
> Girt as it was with power—

the indictment does present a most extended

innuendo; "*Thereby meaning and referring to the Scripture history of Korah, Dathan, and Abiram; and meaning that the said Korah, Dathan, and Abiram, were dauntless and good, and were so dauntless and good for daring to hurl defiance at the throne of Almighty God.*" This is, indeed, a flight of the poetry of pleading—a construction which you must find as the undoubted sense of the passage—before you can sustain this part of the accusation. But again, I ask, is there any determinate meaning in these "wild and whirling words?" Are they more than atoms of chaotic thought not yet subsided into harmony,—over which the Spirit of Love has not yet brooded, so as to make them pregnant with life, and beauty, and joy? But suppose, for a moment, they nakedly assert atheism—never was there an error which, thus incidentally exhibited, had less power to charm. How far it is possible that such a miserable dogma, dexterously insinuated into a perplexed understanding or a corrupted heart, may find reception, I will not venture to speculate,—but I venture to affirm that thus nakedly presented, as the dream of a wild fancy, it can at most only glare for a moment, a bloodless phantom, and pass into kindred nothing! Or do the words rather import a belief in a God—the ruling Power of the universe—yet an insane hatred of his attributes? I it possible to

contemplate the creature of a day standing up amidst countless ages—like a shadowy film among the confused grandeur of the universe—thus propelled, with any other feeling than those of wonder and pity? Or do these words merely import that the name and attributes of the Supreme Being have been abused and perverted by "the oppressors of mankind," for their own purposes, to the misery of the oppressed? Or do they vibrate and oscillate between all these meanings, so as to leave the mind in a state of perplexity, —balancing and destroying each other? In either case, they are powerless for evil. Unlike that seductive infidelity which flatters the pride of the understanding, by glittering sophistry,—or that still more dangerous infidelity, which gratifies its love of power by bitter sarcasm,—or that most dangerous of all which perverts the sensibilities, and corrupts the affections,—it resembles that Evil of which Milton speaks, when, with a boldness which the fastidious might deem profane, he exclaims,

> Evil into the mind of God or man
> May come and go, so unapproved, and leave
> No spot or blame behind.

If regarded in themselves these passages were endowed with any power of mischief, the manner in which they are introduced in the poem — or rather phantasm of a poem — of "Queen Mab"

must surely neutralise them. It has no human interest—no local affinities—no machinery familiar even to thought. It opens in a lyrical measure, wanting even the accomplishment of rhyme, with an apostrophe uttered, no one knows by whom or where, on a sleeping nymph—whether human or divine—the creature of what mythology—on earth or in some other sphere—is unexplained; all we know is, that the lady or spirit is called *Ianthe*. Thus it begins :—

How wonderful is Death—
Death and his brother Sleep!
One, pale as yonder waning moon,
With lips of lurid blue;
The other, rosy as the morn
When, throned in Ocean's wave,
It blushes o'er the world;
Yet both so passing wonderful!

Hath then the gloomy power
Whose reign is in the tainted sepulchres
Seized on her sinless soul?
Must then that peerless form,
Which love and admiration cannot view
Without a beating heart—those azure veins
Which steal like streams along a field of snow—
That lovely outline which is fair
As breathing marble, perish?
Must putrefaction's breath
Leave nothing of this heavenly sight
But loathsomeness and ruin!
Spare nothing but a gloomy theme,
On which the lightest heart might moralize?

Or is it only a sweet slumber
  Stealing o'er sensation,
Which the breath of roseate morning
  Chaseth into darkness?
  Will Ianthe wake again,
And give that faithful bosom joy,
Whose sleepless spirit waits to catch
Light, life, and rapture from her smile?

The answer to the last question is, that Ianthe will awake,—which is expressed in terms appropriately elaborate and mystical. But while she is thus sleeping, the Fairy Mab descends—invites the soul of the nymph to quit her form—and conveys it through systems, suns, and worlds to the temple of "The Spirit of Nature," where the Fairy and the Soul enter "The Hall of Spells," and a kind of phantasmagoria passes before them, in which are dimly seen representations of the miseries, oppressions, and hopes of mankind. Few, indeed, are the readers who will ever enter the dreary portals of that fane, or gaze on the wild intermixture of half-formed visions and theories which gleam through the hazy prospects seen from its battlements. The discourse of the Fairy—to the few who have followed that dizzy career—is an extraordinary mixture of wild rhapsody on the miseries attendant on humanity, and the supposed errors of its faith, and of fancies "of the moonshine's watery beams." After the "obstinate

questioning" respecting the existence of a God, this Fairy—who is supposed to deny all supernatural existence—calls forth a shape of one whose imaginary being is entirely derived from Christian tradition —Ahasuerus, the Jew—who is said to have scoffed at our Saviour as he bore his cross to Calvary, and to have been doomed by Him to wander on the earth until His second coming. Of this phantom the question is asked, "*Is there a God?*" and to him are the words ascribed in answer which form the second and third portions of the Prosecutor's charge. Can anything be conceived more inconsistent—more completely self-refuted—and therefore more harmless? The whole machinery, indeed, answers to the description of the Fairy,—

> The matter of which dreams are made,
> Not more endow'd with actual life
> Than this phantasmal portraiture
> Of wandering human thought.

All, indeed, is fantastical—nothing clear except that atheism and the materialism, on which alone atheism can rest, are refuted in every page. If the being of God is in terms denied—which I deny—it is confessed in substance; and what injury can an author do, who one moment deprecates the "deifying the Spirit of the universe," and the next himself deifies "the spirit of nature,"—speaks of her "eternal breath," and fashions for her "a fitting temple?"

Nay, in this strange poem, the spiritual immunities of the soul and its immortal destinies are distinctly asserted amidst all its visionary splendours. The Spirit of Ianthe is supposed to arise from the slumbering body, and to stand beside it; while the poet thus represents each :—

> 'Twas a sight
> Of wonder to behold the body and soul.
> The self-same lineaments, the same
> Marks of identity were there,
> Yet, O how different! One aspires to heaven,
> Pants for its sempiternal heritage,
> And ever changing, ever rising, still
> Wantons in endless being;
> The other for a time the unwilling sport
> Of circumstance and passion, struggles on,
> Fleets through its sad duration rapidly;
> Then, like a useless and worn-out machine,
> Rots, perishes, and passes.

Now, when it is found that this poem, thus containing the doctrine of immortality, is presented with the distinct statement that Shelley himself in maturer life departed from its offensive dogmas—when it is accompanied by his own letter in which he expresses his wish for its suppression—when, therefore, it is not given even as containing *his* deliberate assertions, but only as a feature in the development of his intellectual character—surely all sting is taken out of the rash and uncertain passages which have been selected as indicating blasphemy! But is it not

antidote enough to the poison of a pretended atheism, that the poet who is supposed to-day to deny Deity, finds Deity in all things!

I cannot proceed with this defence without feeling that I move tremulously among sacred things which should be approached only in serene contemplation; that I am compelled to solicit your attention to considerations more fit to be weighed in the stillness of thought than amidst the excitements of a public trial; and that I am able only to suggest reasonings which, if woven into a chain, no strength of mine could utter, nor your kindest patience follow. But the fault is not mine! I cannot otherwise even hint the truth—the living truth—of this case to your minds as it fills and struggles in my own, or protect my client and friend from a prosecution without parallel in our legal history. If the Prosecutor, in return for his own conviction of publishing some cheap and popular work of alleged blasphemy—prepared, calculated, and intended by the author to shake the religious principles of the uneducated and the young,—has attempted to assail the efforts of genius, and to bring into question the relations, the uses, the tendencies of the divinest faculties, I must not shrink from entreating you to consider those bearings of the question which are essential to its justice. And if you feel unable

fully to examine them within the limits of a trial, and in the atmosphere of a court of justice, yet if you feel with me that they are necessary to a just decision, you cannot doubt what your duty to the defendant and to justice is, on a criminal charge! Pardon me, therefore, if I now seek to show you, by a great example, how unjustly you would deal with so vast and so divine a thing as the imagination of a poet, if you were to take his isolated passages which may seem to deal too boldly with sacred things, and —without regard to the process of the faculty by which they are educed—to brand them as the effusions of a blasphemous mind, or as tending to evil issues. That example will also show you how a poet — devoting the noblest powers to the loftiest themes — when he ventures to grapple with the spiritual existences revealed by the Christian faith, in the very purpose of vindicating "the ways of God to men," may seem to incur a charge like the present, and with as much justice, and may be absolved from it only by nice regard to the tendencies of the divine faculty he exerts. I speak not of a "marvellous boy," as Shelley was at eighteen, but of Milton, in the maturity of his powers, when he brought all the "spoils of time," and the clustered beauty hoarded through a long life, to the deliberate construction of a work which should never die. His case is the

converse of that of Shelley — he begins from an opposite point; he falls into an opposite error; but he expatiates in language and imagery out of which Mr. Hetherington might shape a charge as specious as that which he has given you to decide. Shelley fancies himself irreligious, and everywhere falters or trembles into piety; Milton, believing himself engaged in a most pious work, is led by the tendencies of his imagination to individualise—to adorn —to enthrone—the Enemy of God; and to invest his struggles against Omnipotence with all the nobleness of a patriotic resistance to tyranny, and his suffering from Almighty justice with the graces of fortitude. Let it not be urged that the language which his Satan utters is merely to be regarded with reference to dramatic proprieties—it is attributed to the being in whom the interest of his poem centres; and on whom admiration and sympathy attend as on a sufferer in the eternal struggle of right against power. Omnipotence becomes tyranny in the poet's vision, and resistance to its requisitions appears the more generous even because hopelessly vain. Before I advert to that language, and ask you to compare it with the expressions selected for prosecution, let me call to your recollection the grandeurs—nay, the luxuries of thought with which the "Lost Archangel" is surrounded;—the magic by which even out of the mate-

rials of torture dusky magnificence is created in his place of exile, beyond "the wealth of Ormus and of Ind;" and the faded glory and unconquerable spirit attributed to those rebel legions who still sustain him in opposition to the Most High. Observe the hosts, still angelic, as they march at his bidding!—

> Anon they move
> In perfect phalanx to the Dorian mood
> Of flutes and soft recorders; such as raised
> To height of noblest temper heroes old
> Arming to battle; and, instead of rage,
> Deliberate valour breathed, firm and unmoved
> With dread of death, to flight or foul retreat;
> Nor wanting power to mitigate and 'suage
> With solemn touches troubled thoughts, and chase
> Anguish, and doubt, and fear, and sorrow, and pain,
> From mortal or immortal minds.

Whether we listen to those who—

> More mild,
> Retreated in a silent valley, sing,
> With notes angelical, to many a harp
> Their own heroic deeds and hapless fall
> By doom of battle—

or those with whom the moral philosopher sympathises yet more—who

> Sat on a hill retired,
> In thoughts more elevate, and reason'd high
> Of providence, foreknowledge, will and fate,
> Fix'd fate, free will, foreknowledge absolute—

or expatiate over the muster-roll of their chiefs, in which all the splendours of the East, the gigantic

mysteries of Egypt, and the chastest forms of Grecian beauty gleam on us—all reflect back the greatness of Him who surveys them with "tears such as angels weep." His very armour and accoutrements glisten on us with a thousand beauties!

> His ponderous shield,
> Ethereal temper, massy, large, and round,
> Behind him cast; the broad circumference
> Hung on his shoulders like the moon ——

And not only like the moon as seen to the upturned gaze of ordinary men, but as associated with Italian art, and discerned from places whose names are music—

> —— Like the moon whose orb
> Through optic glass the Tuscan artist views
> At evening from the top of Fesolè,
> Or in Valdarno, to descry new lands,
> Rivers or mountains in her spotty globe.

"His spear" is not only likened to a pine hewn in the depth of mountain forests, but, as if the sublimest references to nature were insufficient to accumulate glories for the bearer, is consecrated by allusions to the thousand storms and thousand thunders which the mast of an imperial ship withstands.

> His spear (to equal which the tallest pine
> Hewn on Norwegian hills, to be the mast
> Of some great admiral, were but a wand)
> He walk'd with to support uneasy steps
> Over the burning marle; not like those steps
> On Heaven's azure.

Now having seen how the great Christian Poet has lavished all the glories of his art on the attendant hosts and personal investiture of the brave opponent of Almighty Power, let us attend to the language in which he addresses his comrade in enterprise and suffering.

Into what pit thou seest,
From what height fallen—*so much the stronger proved*
He with his thunder: and till then who knew
The force of those dire arms? Yet *not for those,*
Nor what the potent Victor in his RAGE
Can else inflict, do I repent or change,
Though changed in outward lustre, that fix'd mind,
And high disdain from sense of injured merit,
That with the Mightiest raised me to contend,
And to the fierce contention brought along
Innumerable force of spirits arm'd,
That durst dislike His reign, and, me preferring,
His utmost power with adverse power opposed
In dubious battle on the plains of Heaven,
And shook His throne!

Such is the force of the poet's enthusiastic sympathy with the speaker, that the reader almost thinks Omnipotence doubtful; or, if that is impossible, admires the more the courage that can resist it! The chief proceeds—

What though the field be lost?
All is not lost; the unconquerable will,
And study of revenge, immortal hate,
And courage never to submit or yield,
And what is else not to be overcome;
That glory never shall his wrath or might
Extort from me. To bow and sue for grace

With suppliant knee, and deify His power,
Who from the terror of this arm so late
Doubted his empire; that were low indeed,
That were an ignominy, and shame beneath
This downfall!

This mighty representation of generous resistance, of mind superior to fortune; of resolution nobler than the conquest; concludes by proclaiming "eternal war" against Him—

Who now triumphs, and in *the excess of joy,*
Sole reigning holds *the tyranny of heaven.*

Surely, but for the exquisite grace of the language compared with the baldness of Shelley's, I might parallel from this speech all that the indictment charges about "an Almighty Fiend," and "Tyrannous Omnipotence." Listen again to the more composed determination and sedate self-reliance of the archangelic sufferer!

"Is this the region? this the soil, the clime?"
Said then the lost archangel, "this the seat
That we must change for heaven? this mournful gloom
For that celestial light? Be it so, since he,
Who now is Sovran, can dispose and bid
What shall be right; *farthest from him is best,*
Whom reason hath equall'd, force hath made supreme
Above his equals. Farewell, happy fields,
Where joy for ever dwells! Hail, horrors, hail!
Infernal world, and thou, profoundest hell,
Receive thy new possessor; one who brings
A mind not to be changed by place or time.
The mind is its own place, and in itself

Can make a heaven of hell, a hell of heaven.
What matter where, if I be still the same?
And what I should be, all *but less than* he
Whom thunder hath made greater. Here at least
We shall be free; the *Almighty hath not built*
Here for his envy, will not drive us hence;
Here we may reign secure, and in my choice
To reign is worth ambition, though in hell;
Better to reign in hell than serve in heaven!"

I might multiply passages of the same kind; but I dare only allude to the proposition made of assaulting the throne of God "with Tartarean sulphur and strange fire, *his own invented torments;*" and to the address of Satan to the newly-created sun, in which he actually curses the love of God. Suppose that last passage introduced into this indictment—suppose that instead of the unintelligible lines beginning "*They have three words, God, Hell, and Heaven,*" we had these—"*Be then His love accursed,*" with the innuendo, "*Thereby meaning the love of Almighty God,*" how would you deal with the charge? How! but by looking at the object of the great poem of which those words are part; by observing how the poet, incapable of resting in a mere abstraction, had been led insensibly to clothe it from the armoury of virtue and grandeur; by showing that although the names of the Almighty and of Satan were retained, in truth other ideas had usurped those names, as the theme itself had eluded even Milton's grasp! I will not ask you

whether you agree with me in the defence which might be made for Milton; but I will ask, do you not feel with me that these are matters for another tribunal? Do you not feel with me that except that the boldness of Milton's thoughts come softened to the ears by the exquisite beauty of Milton's language, I may find parallels in the passages I have quoted from the Paradise Lost, for those selected for prosecution from Queen Mab? Do you not feel with me that, as without a knowledge of the Paradise Lost, you could not absolve the publisher of Milton from the prosecution of "some mute inglorious" Hetherington; so neither can you, dare you, convict Mr. Moxon of a libel on God and Religion, in publishing the works of Shelley, without having read and studied them all? If rashly you assail the mighty masters of thought and fantasy, you will, indeed, assail them in vain, for the purpose of suppression, though not for the purpose of torture; all you can do is to make them suffer, as being human, they are liable to corporal suffering; but, like the wounded spirits in Milton, "they will soon close," "confounded, though immortal!"

If, however, these are considerations affecting the exercise of human genius on themes beyond its grasp, which we cannot discuss in this place, however essential to the decision of the charge, there is one plain position which I will venture to assert: that

the poetry which pretends to a denial of God or of an immortal life, MUST contain its own refutation in itself, and sustain what it would deny! A Poet, though never one of the highest order, may "link vice to a radiant angel;" he may diffuse luxurious indifference to virtue and to truth; but he cannot inculcate atheism. Let him strive to do it, and like Baalam, who came to curse, like him he must end in blessing! His art convicts him; for it is "*Eternity revealing itself in Time!*" His fancies may be wayward, his theories absurd, but they will prove, no less in their failure than in their success, the divinity of their origin, and the inadequacy of this world to give scope to his impulses. They are the beatings of the soul against the bars of its clay tenement, which though they may ruffle and sadden it, prove that it is winged for a diviner sphere! Young has said, "An undevout astronomer is mad;" how much more truly might he have said, an atheist poet is a contradiction in terms! Let the poet take what range of associations he will—let him adopt what notions he may—he cannot dissolve his alliance with the Eternal. Let him strive to shut out the vistas of the Future by encircling the Present with images of exquisite beauty; his own forms of ideal grace will disappoint him with eternal looks, and vindicate the immortality they were fashioned to veil!

Let him rear temples, and consecrate them to fabled divinities, they will indicate in their enduring beauty "Temples not made with hands, eternal in the heavens!" If he celebrates the delights of social intercourse, the festal reference to their fragility includes the sense of that which must endure; for the very sadness which tempers them speaks the longing after that "which prompts the eternal sigh." If he desires to bid the hearts of thousands beat as one man at the touch of tragic passion, he must present "the future in the instant,"—show in the death-grapple of contending emotions a strength which death cannot destroy—vindicate the immortality of affection at the moment when the warm passages of life are closed against it; and anticipate in the virtue which dares to die, the power by which "mortality shall be swallowed up of life!" The world is too narrow for us. Time is too short for man,—and the poet only feels the sphere more inadequate, and pants for the "all-hail hereafter," with more urgent sense of weakness than his fellows:—

> Too—too contracted are these walls of flesh,
> This vital heat too cold; these visual orbs,
> Though inconceivably endow'd, too dim
> For any passion of the soul which leads
> To ecstasy, and all the frigid bonds
> Of time and change disdaining, takes her range
> *Along the line of limitless desires!*

If this prosecution can succeed, on what principle can the publishers of the great works of ancient times, replete with the images of idolatrous faith, and with moralities only to be endured as historical, escape a similar doom? These are the works which engage and reward the first labours of our English youth,—which, in spite of the objections raised to them, practically teach lessons of beauty and wisdom—the sense of antiquity—the admiration of heroic daring and suffering; and refine and elevate their lives. It was destined in the education of the human race, that imperfect and faint suggestions of truth, combined with exquisite perceptions of beauty, should in a few teeming years give birth to images of grace which, untouched by time, people the retreats which are sought by youthful toil, and make learning lovely. Why shall not these be brought, with the poetry of Shelley, within the range of criminal jurisdiction? Because, with all their beauty, they do not belong to the passions of the present time,—because they hold their dominion apart from the realities which form the business of life,—because they are presented to the mind as creations of another sphere, to be admired, not believed. And yet, without prosecution—without offence—one of the greatest and purest of our English poets, wearied with the selfishness which he saw pervading a Christian

nation, has dared an ejaculating wish for the return of those old palpable shapes of divinity, when he exclaimed,

> Great God! I'd rather be
> A Pagan suckled in a creed outworn,
> So might I, standing on some pleasant lee,
> Have glimpses which may make me less forlorn,
> Have sight of Proteus coming from the sea,
> Or hear old Triton blow his wreathed horn!

And the fantasies of Queen Mab, if not so compact of imagination, are as harmless now as those forms of Grecian deities which Wordsworth thus invokes! Pure—passionless—they were while their author lived; they have grown classic by that touch of death which stopped the generous heart and teeming fancy of their fated author. They have no more influence on living opinion, than that world of beauty to which Shelley adverts, when he exclaims in "Hellas,"

> But Greece and her foundations are
> Built below the tide of war,
> Based on the crystalline sea
> Of thought and its eternity.

Having considered this charge chiefly as affecting poetry, I must not forget that the last passage selected by the Prosecutor is in prose, culled from the essay which was appended to the poem of "Queen Mab," disclaimed by the editor—disclamed by Shelley long before he reached the prime of manhood—but

rightly preserved, shocking as it is in itself, as essential to the just contemplation of his moral and intellectual nature. They form the dark ground of a picture of surpassing interest to the philosopher. There shall you see a poet whose fancies are most ethereal, struggling with a theory gross, material, shallow—imaging the great struggle by which the Spirit of the Eternal seeks to subdue the material world to its uses. His genius was pent up within the hard and bitter rind of his philosophy, as Ariel was in the rift of the cloven pine; and what wonder if a Spirit thus enthralled should send forth strange and discordant cries? Because the words which those strange voices syllabled are recorded here, will you say the record is a crime? I recollect in the speech of that great ornament of our profession, Mr. Erskine, an illustration of the injustice of selecting part of a conversation or of a book, and because singly considered it is shocking, charging a criminal intent on the utterer or the publisher; which, if, at first, it may not seem applicable to this case, will be found essentially to govern it. He refers to the passage in the Bible, "*The fool hath said in his heart, There is no God,*" and shows how the publisher of the Book of God itself might be charged with atheism, by the insertion only of the latter division of the sentence. It is

not surely by the division of a sentence only that the context may be judged ; but by the general intent of him who publishes what is in itself offensive, for the purpose of curious record—of controversy—of evidence —of example. The publisher of Shelley has not indeed said " The fool hath said in his heart, There is no God ; " but he has in effect said, The poet has tried to say with his lips " There is no God," but his genius and his heart belie his words ! What indeed does the publisher of Shelley's works virtually say, where he thus presents to his readers this record of the poet's life and death ? He says—Behold ! Here is a spectacle which angels may admire and weep over ! Here is a poet of fancy the most ethereal—feelings the most devout — charity the most Christian— enthralled by opinions the most cold, hollow, and debasing ! Here is a youth endowed with that sensibility to the beautiful and the grand which peoples his minutes with the perceptions of years— who, with a spirit of self-sacrifice which the eldest Christianity might exult in if found in one of its martyrs, is ready to lay down that intellectual being —to be lost in loss itself—if by annihilation he could multiply the enjoyments and hasten the progress of his species—and yet, with strange wilfulness, rejecting that religion in form to which in essence he is imperishably allied ! Observe these radiant fancies

—pure and cold as frostwork—how would they be kindled by the warmth of Christian love! Track those "thoughts that wander through eternity," and think how they would repose in their proper home! And trace the inspired, yet erring youth, poem after poem—year after year, month after month —how shall you see the icy fetters which encircle his genius gradually dissolve; the wreaths of mist ascend from his path; and the distance spread out before him peopled with human affections, and skirted by angel wings! See how this seeming atheist begins to adore—how the divine image of suffering and love presented at Calvary, never unfelt, begins to be seen —and in its contemplation the softened, not yet convinced poet exclaims, in his Prometheus, of the followers of Christ—

> The wise, the pure, the lofty, and the just,
> Whom thy slaves hate—*for being like to thee!*

And thus he proceeds—with light shining more and more towards the perfect day—which he was not permitted to realise in this world. As you trace this progress, alas! Death veils it—veils it, not stops it—and this perturbed, imperfect, but glorious being is hidden from us—"Till the sea shall give up its dead!" What say you now to the book which exhibits this spectacle, and stops with this catastrophe? Is it a libel on religion and God? Talk of proofs of

Divine existence in the wonders of the material universe, there is nothing in any—nor in all—compared to the proof which this indicted volume conveys! What can the telescope disclose of worlds and suns and systems in the heavens above us, or the microscope detect in the descending scale of various life, endowed with a speech and a language like that with which Shelley, being dead, here speaks? Not even do the most serene productions of poets, whose faculties in this world have attained comparative harmony—strongly as they plead for the immortality of the mind which produced them—afford so unanswerable a proof of a life to come, as the mighty embryo which this book exhibits;—as the course, the frailty, the imperfection, with the dark curtain dropped on all! It is, indeed, when best surveyed, but the infancy of an eternal being; an infancy wayward but gigantic; an infancy which we shall never fully understand, till we behold its development "when time shall be no more"—when doubt shall be dissolved in vision—"when this corruptible shall have have put on incorruption, and when this mortal shall have put on immortality!"

Let me, before I sit down, entreat you to ask yourselves where the course of prosecution will stop if you crown with success Mr. Hetherington's revenge. Revenge, did I say? I recal the word. Revenge

means the returning of injury for injury—an emotion most unwise and unchristian, but still human;—the satisfaction of a feeling of ill-regulated justice cherished by a heart which judges bitterly in its own cause. But this attempt to retaliate on one who is a stranger to the evil suffered—this infliction of misery for doing that which the Prosecutor has maintained within these works the right of all men to do—has no claim to the savage plea of wild justice; but is poor, cruel, paltry injustice; as bare of excuse as ever tyrant, above or below the opinion of the wise and good, ever ventured to threaten. Admit its power in this case—grant its right to select for the punishment of blasphemy the exhibition of an anomaly as harmless as the stuffed aspic in a museum, or as its image on the passionless bosom of a pictured Cleopatra—and what ancient, what modern history, shall be lent unchallenged to our friends? If the thousand booksellers who sell the "Paradise Lost"—from the greatest publisher in London or Edinburgh down to the proprietor of the little book-stall, where the poor wayfarer snatches a hasty glance at the grandeur and beauty of the poet, and goes on his way refreshed—may hope that genius will render to the name of Milton what they deny to that of Shelley; what can they who sell "The History of the Decline and Fall of the Roman Empire" hope from the

Prosecutor of "Queen Mab?" In that work are two celebrated chapters, sparkling with all the meretricious felicities of epigrammatic style, which, full of polished sarcasm against infant Christianity, are elaborately directed to wither the fame of its Martyrs and Confessors with bitterest scorn—two chapters which, if published at a penny each, would do more mischief than thousands of metaphysical poems; but which, retained in their appropriate place, to be sought only by the readers of history, may serve the cause of truth by proving the poverty of the spite by which it has been assailed, and find ample counterpoise in the sequel. The possibility that this history should be suppressed by some descendant of Gibbon, who might extravagantly suppose it his duty to stifle cold and crafty sneers aimed at the first followers of Christ, was urged—and urged with success—against me when I pleaded for the right of those descendants to the fruits of the labours of their ancestor; yet, if you sanction this attempt, any Hetherington may compel by law that suppression the remote possibility of which has been accepted as a reason for denying to the posterity of the author a property in the work he has created! This work, invested with the peculiar interest which belongs to the picture of waning greatness, has recently been printed in a cheap form, under the sanction of a

dignitary of the Established Church—a Christian Poet of the noblest aim—whose early genius was the pride of our fairest university, and who is now the honoured Minister of the very parish in which we are assembled. If I were now defending Mr. Milman, of whose friendship I am justly proud, for this last and cheapest and best edition of Gibbon, I could only resort to the arguments I am now urging for Mr. Moxon, and claim the benefit of the same distinction between the tendency of a book adapted to the promotion of infidelity, and one which, *containing* incidental matter of offence, is commended to the student with those silent guards which its form and accompaniments supply. True it is that Mr. Milman has accompanied the text with notes in which he sometimes explains or counteracts the insinuations of the author; but what Notes can be so effectual as that which follows "Queen Mab"—in which Shelley's own letter is set forth, stating, on his authority, that the work was immature, and that he did not intend it for the general eye? Is not the publication of this letter by the publisher as decisive of his motive—not to commend the wild fancies and stormy words of the young poet to the reader's approval, but to give them as part of his biography,—as the notes of Mr. Milman are of that which no one doubts, his desire to make the perusal

of Gibbon healthful? Prosper this attempt, and what a field of speculative prosecution will open before us! Every publisher of the works of Rousseau, of Voltaire, of Volney, of Hume—of the Classics and of their Translations—works regarded as innoxious, because presented in a certain aspect and offered to a certain class, will become liable to every publisher of penny blasphemy who may suffer or hate or fear the law;—nor of such only, but of every small attorney in search of practice, who may find in the machinery of the Crown-office the facilities of extortion. Nor will the unjust principle you are asked to sanction stop with retaliation in the case of alleged blasphemy—the retailer of cheap lasciviousness, if checked in his wicked trade, will have *his* revenge against the works of the mighty dead in which some tinge of mortal stain may unfortunately be detected. The printer of one of those penny atrocities which are thrust into the hands of ingenuous youths when bound on duty or innocent pleasure, the emissaries of which—children often themselves—mount the chariot and board the steamboat to scatter that poison which may infect the soul as long as the soul shall endure—whom, to do this Prosecutor justice, I know he disclaims — may obtain true bills of indictment against any man who has sold

Horace, or Virgil, or Lucretius, or Ovid, or Juvenal —against all who have sold a copy of any of our old dramatists—and thus not only Congreve, and Farquhar, and Wycherley, but Fletcher, and Massinger, and Ford, and Webster, and Ben Jonson; nay, with reverence be it spoken, even Shakspeare, though ever pure in essence, may be placed at the mercy of an insect abuser of the press—unless juries have the courage and the virtue to recognise the distinction between a man who publishes works which are infidel or impure, *because* they are infidel or impure, and publishes them in a form and at a price which indicate the desire that they should work out mischief, and one who publishes works in which evil of the same kind may be found, but who publishes them because, in spite of that imperfection, they are on the whole for the edification and delight of mankind;—between one who tenders the mischief for approbation, and one who exposes it for example. And are you prepared to succumb to this new censorship? Will you allow Mr. Hetherington to prescribe what leaves you shall tear from the classic volumes in your libraries? Shall he dictate to you how much of Lord Byron — a writer far more influential than Shelley—you shall be allowed to lend to your friends without fear of his censure? Shall he drag into

Court the vast productions of the German mind, and ask juries to decide whether the translator of Goethe, Schiller, Wieland, and Lessing—dealing with sacred things with a boldness to which we are unused—are guilty of crime? Shall he call for judgment on that stupendous work, the "Faust," with its prologue in Heaven, which has been presented by my friend Mr. Hayward, whose able assistance I have to-day, with happy vividness to English readers—and ask a jury to take it in their hand, and at an hour's glance to decide whether it is a libel on God, or a hymn by Genius to His praise? Do you not feel those matters are for other seasons—for another sphere?—If so, will you, in the dark—without knowledge—without evidence—sanction a prosecution which will, in its result, impose new and strange tasks on juries who may decide on other trials; which may destroy the just allowance accorded to learning even under absolute monarchies; and place every man who hereafter shall print, or sell, or give, or lend, any one of a thousand volumes sanctioned by ages, at the mercy of any Prosecutor who for malice—for gain—or mere mischief, may choose to denounce him as a blasphemer?

And now, I commend into your hands the cause of the defendant,—the cause of Genius,—the cause

of Learning,—the cause of History,—the cause of Thought. I have not sought to maintain it by assailing the law as it has been expounded by courts, and administered by juries; which, if altered, should be changed by the authority of the Legislature, and neither by the violation of oaths, nor by the machinery which the Prosecutor has employed to render it odious at the cost of those whom he himself contends to be guiltless; but I have striven to convince you, that by a just application of that law, you may hold this publication of the Works of Shelley to be no crime. It has been fairly conceded that Mr. Moxon is a most respectable publisher; one who has done good service to the cause of poetry and wisdom; and one who could not intentionally publish a blasphemous work, without treason to all the associations which honour his life. Beginning his career under the auspices of Rogers, the eldest of a great age of poets, and blessed with the continued support of that excellent person, who never broke by one unworthy line the charm of moral grace which pervades his works, he has been associated with Lamb, whose kindness embraced all sects, all parties, all classes, and whose genius shed new and pleasant lights on daily life; with Southey, the pure and childlike in heart; with Coleridge, in the light of whose Chris-

tian Philosophy these indicted poems would assume their true character as mournful, yet salutary specimens of power developed imperfectly in this world; and with Wordsworth, whose works so long neglected or scorned, but so long silently nurturing tastes for the lofty and the pure, it has been Mr. Moxon's privilege to diffuse largely throughout this and other lands, and with them the sympathies which link the human heart to nature and to God, and all classes of mankind to each other! Reject then, in your justice, the charge which imputes to such a man, that by publishing this book, he has been guilty of blasphemy against the God whom he reveres! Refuse to set the fatal precedent, which will not only draw the fame of the illustrious dead into question before juries, without time to investigate their merits; which may not only harass the first publishers of these works; but which will beset the course of every bookseller, every librarian, throughout the country, with perpetual snares, and make our Criminal Courts the arenas for a savage warfare of literary prosecutions! Protect our noble Literature from the alternative of being either corrupted or enslaved! Terminate those anxieties which this charge so unprovoked—so undeserved—has now for months inflicted on the defendant, and his friends, by that

verdict of *Not Guilty*, which will disappoint only those who desire that cheap blasphemy should have free course; which the noblest and purest, and most pious of your own generation will rejoice in; and for which their posterity will honour and bless you!

THE END.

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